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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,739

11/08/2003

Raman K. Rao

4348

7590

12/14/2006

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EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/705,739

Applicant(s)

RAO ET AL.

Examiner

Allyson N. Trail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☒ Claim(s) 1, 2, and 5-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-10, 12-16, 18-20, 22, 24, 25, 27, and 28 are objected to because of the following informalities:

Regarding claims 1 and 3, the phrase "in the nature of" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Re claim 1, lines 5 and 10: replace "is hardware" with --has hardware--.

Re claim 1, line 22: replace "the polling booths" with --polling booths--.

Re claim 1, lines 22-23: replace "the polling stations" with --polling stations--.

Re claim 1, line 41: replace "the election" with --election--.

Re claim 1, line 52: replace "machines" with --machines,--.

Re claim 1, line 54: replace "voters." with --voters;--.

Re claim 2, line 10: replace "the biometrics" with --biometrics--.

Re claim 2, line 41: replace "the specific voter" with --a specific voter--.

Re claim 2, line 14: replace "the local server" with --a local server--.

Re claim 2, line 17: replace "the ballot" with --a ballot--.

Re claim 2, line 23: replace "the polling station" with --a polling station--.

Re claim 2, line 25: replace "printout/upon" with --printout upon--.

Re claim 2, line 27: replace "the secure destruction" with --a secure destruction--.

Re claim 2, lines 27-28: replace "the previous first voter" with --a previous first voter--.

Re claim 2, lines 29: replace "shielding/destruction" with either --shielding and destruction-- or --shielding and destruction--.

Re claim 3, line 11: replace "the software" with --software--.

Re claim 4, line 5: replace "the functions" with --functions--.

Re claim 4, line 17: replace "the trusted local..." with --a trusted local...--.

Regarding claim 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Re claim 5, line 8: replace "the laws" with --laws--.

Re claim 5, lines 17-18: replace "the voting region" with --a voting region--.

Re claim 5, line 19: replace "the registrar" with --a registrar--.

Re claim 5, line 24: replace "the precise local date" with --a precise local date--.

Re claim 5, lines 24-25: replace "the precinct/election" with --a precinct/election--.

Re claim 5, line 25: replace "the start" with --a start--.

Re claim 5, line 25: replace "the absentee" with --an absentee--.

Re claim 5, line 25: replace "the approved beginning" with --an approved beginning--.

Re claim 5, line 28: replace "the conclusion" with --a conclusion--.

Re claim 5, lines 28-29: replace "the approved ending" with --an approved ending--.

Re claim 5, line 31: replace "the polls" with --polls--.

Re claim 5, line 32: replace "the expiration" with --an expiration--.

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Re claims 6-10: replace "voter/mobile device/mobile" with --mobile voter device/mobile voting machine--.

Re claim 12, line 4: replace "the polling stations" with --a polling stations--.

Re claim 12, line 7: replace "the processing" with --processing--.

Re claim 12, line 18: replace "the authorized" with --an authorized --.

Re claim 12, line 21: replace "the voters the choice" with --voters a choice--.

Re claim 12, line 23: replace "the confidentiality" with --confidentiality--.

Re claim 12, line 23: replace "the ballot" with --a ballot--.

Re claim 12, line 26: replace "the selections" with --a selections--.

Re claim 12, line 33: replace "the actual identity" with --an actual identity--.

Re claim 12, line 34: replace "the secrecy" with --secrecy--.

Re claim 12, line 35: replace "the delivery" with --delivery--.

Re claim 12, line 36: replace "the local" with --local--.

Re claim 12, line 37: replace "each elections" with --each election--.

Re claim 13, line 1: replace "the disparities" with --disparities--.

Re claim 13, line 3: replace "the absentee" with --an absentee--.

Re claim 13, line 3: replace "the absentee" with --an absentee--.

Re claim 13, line 5: the phrase "leveling the playing field" is objected to. Please explain in terms of the technology.

Re claim 14, line 2: replace "the specific type" with --a specific type--.

Re claim 15, lines 8-9: replace "the desired device" with --a desired device--.

Re claim 15, line 9: replace "the desired interface" with --a desired interface--.

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Re claim 15, line 9: replace "the desired time" with --a desired time--.

Re claim 15, line 9: replace "the interface" with --a desired interface--.

Re claim 15, line 11: replace "the issues" with --issues--.

Re claim 15, line 14: replace "the selection" with --selection--.

Re claim 16, line 9: replace "the manner" with --a manner--.

Re claim 18, line 2: replace "the first individual" with --a first individual--.

Re claim 18, line 5: replace "the second individual" with --a second individual--.

Re claim 19, line 12: replace "trusted servers" with --trusted servers,--.

Re claim 20, line 3: replace "voter" with --voter--.

Re claim 22, lines 2-3: replace "the designated chief election official" with --a designated chief election official--.

Regarding claim 22, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Re claim 22, line 5: replace "the computational capabilities" with --computational capabilities--.

Re claim 24, line 9: replace "the designated" with --a designated time--.

Re claim 24, lines 9-10: replace "the designated elections" with --designated elections--.

Re claim 25, line 2: replace "the mobile electorate" with --a mobile electorate--.

Re claim 27, line 2: replace "other transactions" with --other transactions,--.

Re claim 27, line 6: replace "the terms" with --terms--.

Re claim 28, line 5: replace "the opinion survey" with --an opinion survey--.

It is believed that all of the antecedent basis issues for the pending claims are listed above, however it is advised to review the claims for any additional issues. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Boldin (2005/0218224).

With respect to claim 3, Boldin teaches a secure system for mobile electronic voting comprising a mobile device. Paragraph 0019 discloses that the mobile voting device is a laptop. Paragraph 0019 further discloses that the mobile voting machine includes one or more input/output methods including a touch screen, a display, and a

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keypad. Boldin additionally teaches in that same paragraph the voting machine using speech recognition and voice navigation.

Boldin teaches in the abstract that the that the mobile electronic voting includes one or more trusted servers including a trusted network server.

Paragraph 0016 discloses the voting system is a stand-alone system with a voting server connected to a plurality of voting stations and a voter security card station.

Clearly because the voting system is mobile, the communication between the voting machine and the server is wireless.

Paragraph 0012 discloses the mobile device in a stand-alone manner or in conjunction with the trusted servers. Paragraph 0081 discloses ending the voting session and paragraph 0089 teaches the device reconfiguring to the original non-mobile voting machine configuration upon conclusion of the mobile electronic voting.

Lastly, with respect to claim 3, paragraph 0057 discloses a means for enabling the mobile voting machine features and functionality by leveraging the processing power of the mobile device by itself.

With respect to claim 4, Boldin teaches in paragraph 0019 an apparatus for mobile electronic voting comprising a mobile voting machine specifically designed for the purpose of enabling mobile electronic voting. Paragraph 0019 further discloses that the mobile voting machine includes one or more input/output methods including a touch screen, a display, and a keypad. Boldin additionally teaches in that same paragraph the voting machine using speech recognition and voice navigation.



Paragraph 0012 discloses the voting machine including processing/storage and software capability resident within the voting machine.

Paragraph 0064 discuss figures 4A and 4B. The mobile voting machine provides voting access to the disabled through a mobile voting system 80. The mobile voting system 80 preferably comprises a laptop computer 72 electronically coupled to a voting server or run from software on a removable disk. By being coupled to a voting server, the mobile device emulates the functions/features of the mobile voting machine by internal reconfiguration.

***Allowable Subject Matter***

4. Claims 1, 2, and 12-28 are objection to above, but would be allowable if rewritten to overcome the above objection.

Claims 5-11 are objected to as being dependent upon a rejected base claim and also objected to above, but would be allowable if rewritten in independent form and overcoming the above objection, including all of the limitations of the base claim and any intervening claims.

The following is an examiner's for allowance: Although Boldin teaches a secure system for electronic voting, which includes an intelligent voting machine configured for communication, computation, command, and control of information, one or more trusted servers, and a means for secured wireless communication between the voting machine and the servers, the above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 1, 2, and 12-28 of the present claimed invention. Specifically prior art fails to teach a

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means for locating the intelligent voting machines in the polling booths, at the polling stations, and at selected locations, a means for communication between the local server and other servers located remotely from the polling booths, a means for defining an authorized set of voter authentication protocols, means for secure real time authentication of a voter in conjunction with the authentication data related to the voter maintained on an independent and trusted escrow server including authentication while assuring anonymity of the voter, means for providing authenticated and consistent information related to the election issues and candidates from an approved source such as a trusted server in one or more selected formats including audio and video data, means for informed selection and casting of the votes by the voter in conjunction with a user selected input method defined input method and a user selected output method defined output method including a combination thereof, and a means for safe guarding, certifying, and providing the election results at a selected time and in a selected manner in conjunction with one or more trusted escrow servers. Prior art additionally fails to teach the secure system for mobile electronic voting including a means for a unique electronic key to be assigned by the trusted election server to the mobile machine, a means for the electronic key to be activated at the precise local date and time of the precinct zone at the start of the absentee voting period, means for the electronic key to be deactivated at the precise date and local time of the precinct zone at the conclusion of the absentee voting period, means for the activation of the electronic voting key at the precise time and date of the precinct zone when the polls officially open, means for the expiration of the electronic key at the precise date and local time of the precinct zone

when the polls close, and a means for enabling/disabling the mobile electronic voting privileges to ensure that a specifically authorized voter casts votes in accordance with the election laws of the selected region using an authorized mobile device. Lastly, prior art fails to teach a secure and comprehensive stationary and mobile electronic voting system, which includes a separate and distinct sub system consisting of intelligent voting machines located at the polling stations, a separate and distinct sub system consisting of mobile voting machines for voting from any location, means for an authorized election body to use/deploy the two separate and distinct sub systems, means for maintaining the confidentiality of the ballot cast by a specific voter using one or more methods, including dynamically decoupling voter ID, biometric information and its relationship to the ballot cast by that specific voter upon initiation of the selections process and cast ballot function.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Vadura et al (2004/0195323).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

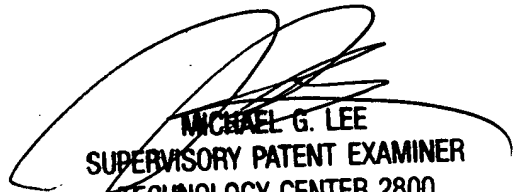
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*



Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
December 6, 2006



MICHAEL G. LEE  
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